

July 19, 1995

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Attention: William F. Caton
Acting Secretary

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Enclosed is an original and five (5) copies of **Concepts To Operations, Inc. (CTO)** Motion To Accept Unauthorized Pleading and an original and five (5) copies of CTO's Supplemental Comments on WT Docket 95-47 (RM-8476) "Notice of Proposed Rule Making," concerning mobile services for IVDS.

Sincerely,

Stanley I. Cohn
Executive Vice-President

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Enclosures

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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
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Amendment of Part 95 of the)
Commission's Rules to allow)
Interactive Video and Data)
Service licensees to provide)
mobile service to subscribers)

WT DOCKET NO. 95-47
RM-8476

DOCKET FILE COPY ORIGINAL

To: The Commission

MOTION TO ACCEPT UNAUTHORIZED PLEADING

Concepts To Operations, Inc. (CTO) respectfully requests that the Commission accept for filing and consider our concurrently filed Supplemental Comments in the above captioned proceeding. The following supports our request.

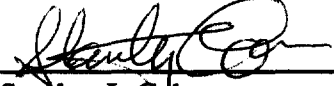
The Commission has received comments and reply comments in the instant proceeding. The Reply Comments submitted by the IVDS Licensees ("Licensees") are a gross misrepresentation of the Comments submitted by CTO in this proceeding. These were received by CTO after the required submission date for Reply Comments. Upon reviewing these Reply Comments, it became clear that it is the intention of the "Licensees" to attempt to suppress measured data and discredit CTO's Comments. The "Licensees" claim that CTO failed to qualify the "test" results and that the test results are "both outdated and performed at frequencies other than in the 218-219 MHz band" and that our Comments are biased in favor of one manufacturer. They have provided no other measured data and no reference to such data to support their claim. Our Supplemental Comments refute these claims of the "Licensees." Therefore, the public interest would be best served by the Commission's consideration of our Supplemental Comments.

Conclusion

For the above mentioned reasons, we respectfully request that the Commission accept our Supplemental Comments for filing and that it consider our Supplemental Comments in making its decisions.

Respectfully submitted,

Concepts To Operations, Inc. (CTO)

By: 
Stanley I. Cohn
Executive Vice-President
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Dated: July 19, 1995

CERTIFICATE OF SERVICE

I hereby certify that on this nineteenth day of July, 1995, I served a copy of the foregoing Motion to Accept Unauthorized Pleading on each of the following persons by placing a copy in the United States Mail, first-class postage prepaid:

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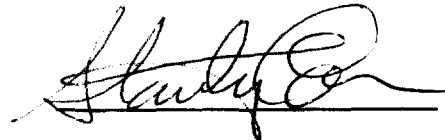
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On-Screen USA Interactive, Inc.
Remote Vision Interactive, Inc.
Premier Interactive, Inc.

A handwritten signature in black ink, appearing to read "Stanley I. Cohn", written over a horizontal line.

Stanley I. Cohn

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SUPPLEMENTAL COMMENTS

Concepts To Operations, Inc. (CTO) cannot let the allegations made in the Reply Comments of the IVDS Licensees ("Licensees")¹ go unchallenged. In particular paragraph 10 on page 6 of the "Licensees" comments, reproduced below with footnote, is a gross misrepresentation of the information presented in CTO's comments.

"10. It is important, however, to note that the Comments by Concepts to Operations, Inc. ("Concepts") not only fail to qualify the "test" results to which they refer,³ but also transparently promote the equipment of Eon's main competitor as the cure for all of the potential interference concerns raised by Concepts. Indeed, even RTT - the author of the "tests" to which Concepts refers - does not espouse the points promoted by Concepts."

" 3 These test results were both out-dated and performed at frequencies other than in the 218-219 MHz band."

¹ The Reply Comments were signed by Attorneys of three firms representing 18 licensees.

CTO's Comments specifically state, in the first paragraph (page 2), that the measurements that were made were those "concerning adjacent channel interference to TV Channel 28," and CTO provided footnotes that indicate the source and date of the source. This certainly represents information "to qualify the "test" results."

The "Licensees" footnote indicates that the results were outdated and performed at different frequencies than those in the IVDS band. CTO's Comments indicate that the results of the tests of signals in the Channel 29 band interference to TV Channel 28 were translated to the "IVDS (218-219 MHz) interference to TV Channel 13 (210-216 MHz) situation and further translated to the Grade B contour region. A separate analysis (see second paragraph on page 2 of CTO's Comments) was also made for the case of IVDS to Channel 13 interference at Grade B contour level. The analysis was in reasonable agreement with levels derived from measured data, considering variations in adjacent channel rejection characteristics of various TV receivers. The "Licensees" did not question the results of the analysis.

The "Licensees" contention that the measurements were "outdated" is a rather obvious ploy to discredit either the measurements which were made, or the applicability of such data to IVDS to Channel 13 interference. The measurements were made in the mid 1980 time frame. Since that time, there has been very little change in the adjacent channel rejection characteristics of TV receivers. This rejection is a most significant factor in adjacent channel interference. The Commissions assignment rules require a minimum distance of 55 miles for adjacent channel TV transmitters in order to avoid interference. Because of this, the TV receiver manufacturers have little or no incentive to improve adjacent channel rejection. The measured data is, therefore, representative of that which might have been measured at or near the present time.

It should also be noted that because measurements were taken a number of years in the past they are not necessarily better than measurements taken at a later time. For example, in 1926, Michelson measured the speed of light as 299,796 kilometers per second with an uncertainty of 4 kilometer per second, while the measurements of Anderson in 1941 showed the value of 299,776 with an uncertainty of 14 kilometers per second. The presently accepted value

of the speed of light is 299,792.5 kilometer per second. Michelson's 1926 measurement was more accurate than Anderson's 1941 measurement even though it was "outdated."

Finally, if the licensees attorneys believe that there are better measurements than the "outdated" measurements referred to in CTO's comments, they should have included them in the Reply Comments or at least provided a reference. Because they have done neither, their Reply Comments must be viewed by the Commission as having no merit.


The "Licensees" also contend that CTO is promoting RTT's equipment "as the cure for all of the potential interference concerns raised by Concepts." CTO, in the third paragraph on page 3 of its Comments, notes that the potential for interference depends on a number of factors. Also addressed are methods of minimizing or eliminating interference by use of methods to control these factors individually or in combination. These apply no matter which manufacturers equipment is used. One of the factors involves allowing transmission only in the blanking intervals of TV Channel 13, which is the method on which the RTT system is based. CTO specifically notes that "horizontal sync could be lost or the color could be effected" by interference of sufficient intensity. These statements do not imply that RTT's equipment is the only "cure" and in fact point out an important limitation of RTT's approach. It should also be noted that CTO avoided mentioning specific manufacturers of equipment (except EON was mentioned in our comment because the NPRM is based on their petition, and RTT was mentioned in footnotes referencing measurements). CTO does not endorse, in general, any particular manufacturers equipment. Through our consulting services we will, however, recommend to a licensee, who is our client, the equipment most suitable for a particular market based on geographic and demographic characteristics of the market, interference potential, and types of applications which the licensee wishes to pursue.

CTO's purpose in providing Comments was to ensure that the Commission and those licensed to provide IVDS were aware of the magnitude of potential interference problems and that there were a number of ways, singly or in combination, to mitigate these problems. Our hope is that the Commission, in its rule making, will recognize that the licensee should have maximum flexibility to mitigate interference and not be bound by unnecessary rules that are

costly to implement and produce no additional benefit to the public. Attempts to suppress information on measurements of interference, as evidenced by the "Licensees" unsupported claims in their Reply Comments, are only trying to "sweep the problem under the rug." If the licensees are not aware of the magnitude of and ways to cope with the interference problem, they will not be capable of effectively mitigating interference.

Respectfully submitted,

Concepts To Operations, Inc. (CTO)

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Dated: July 19, 1995

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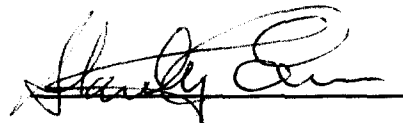
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